



Unacceptable Behaviour Policy 2024

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1 Introduction

Castle Point Borough Council is committed to working proactively and positively with its customers to resolve issues and use its resources to achieve the best outcomes.

Our Officers, Councillors and partner contractors should be able to work in a safe, non-threatening environment in which they are also treated with respect. This policy sets out what the Council considers to be unreasonable or vexatious behaviour that is unacceptable and how it will be managed.

Castle Point Borough Council has a zero tolerance policy with regard to racist, sexist or homophobic behaviour directed against any of our staff or contractors.

2 Policy Aims

The aims of this policy are:

- to define unreasonable and vexatious behaviour which the Council finds unacceptable.
- to ensure a fair, transparent and consistent approach towards preventing and managing unacceptable behaviour.
- to provide effective and appropriate support to victims of unacceptable behaviour.
- to ensure all incidents are reported and recorded.
- to set out when restrictions, changes in access to services or legal remedies may be applied in the event of an incident of unacceptable behaviour.

3 Scope

Staff, Councillors and partner contractors are required to report any unacceptable behaviour related incidents to the Council; these will be investigated and where necessary appropriate action will be taken.

Councillors should report any such behaviour to the Monitoring Officer who will advise as appropriate.

Support will also be offered to individuals if they experience unacceptable behaviour as part of their involvement.

4 What behaviour is unacceptable?

Castle Point Borough Council has defined that behaviour which can cause intimidation, distress, stress, embarrassment, fear, threat or abuse will be defined as unacceptable behaviour. The behaviour can be in the form of face-to-face meetings, written, telephone, on social media and even by text message.

This type of behaviour can be perpetrated in one of the following methods:

- unreasonable behaviour
- vexatious or persistent behaviour

Unreasonable Behaviour

Examples of this type of behaviour are:

- a threat of violence
- an assault on a representative of the Council. This can also include spitting, pinching, pushing, urinating, throwing, use of objects as weapons.
- violence against people and property.
- verbal abuse.
- language that is discriminatory.
- lewd behaviour.
- intimidating behaviour towards a representative of the Council.
- excessive swearing or foul language, gestures, crowding or eye contact directed at a representative of the Council.

Vexatious or Persistent Behaviour

Is when a person, due to the frequency or nature of their contact, makes it harder for CPBC staff to consider their complaint or refuses to accept a duly considered outcome from their complaint.

A vexatious person in this context is someone who is not seeking to resolve a dispute between themselves and the Council but rather seeking to cause unnecessary and unjustifiable aggravation or annoyance to the Council or cause distress to staff.

Some examples of this type of behaviour are set out below. This is not an exhaustive list but a complainant, or anyone on their behalf, could be deemed to be vexatious or unreasonably persistent if one or more of the following behaviours applies to them:

- repeated complaints that are without sufficient grounds.
- persistently writing letters that are without basis.
- refusing to accept that issues are not within the power of the Council to investigate, change or influence i.e. something that is the responsibility of another organisation.
- trivial complaints that have clearly not caused the complainant any injustice.
- unreasonable frequency of contact with the Council which hinders Council business.
- Persistently making maliciously unfounded allegations or complaints about staff and seeking to have them investigated, disciplined, dismissed or replaced.
- refusing to co-operate with the complaint investigation process whilst still wishing their complaint to be resolved; this includes individuals that send multiple letters to elected Members or contact various members of staff in Castle Point Borough Council (CPBC) and other service areas to undermine the decision-making process.
- making unnecessary excessive demands on the time and resources of staff whilst a complaint is being investigated by, for example, excessive telephoning or sending emails to numerous Council staff, writing lengthy complex letters every few days and expecting or demanding immediate responses.
- continually raising subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.
- requesting meetings with staff and then repeatedly postponing or cancelling these without reasonable excuse.
- electronically recording meetings and conversations without prior knowledge and consent of the staff involved.
- refusing to accept the outcome of the complaint process after its conclusion, continuing to argue a point or continuing to complain about the outcome and/or denying that an adequate response has been given.

5 Responsibilities

The following lists set out the standards that are expected of all individuals regarding unacceptable behaviour. To ensure that you have the information necessary to allow you to meet these standards, the rest of this document must be read.

Leadership Team (LT)

LT will:

- Monitor the overall performance of the Council's health and safety management system, receive reports, and ensure that any decision made is in line with the Council's own policies and procedures as they relate to health and safety.

Line Managers

Line Managers will:

- Undertake a thorough investigation into reported incidents of unacceptable behaviour.
- Carry out departmental risk assessments to identify and control risks associated with violence and aggression towards staff within their roles.
- Provide support to those affected as the result of an unacceptable behaviour incident.
- Develop risk control strategies based on the findings of completed risk assessments.
- Act against initiators of violence or aggression towards staff inclusive of prosecution where applicable.
- Decide if an unacceptable behaviour warning code or further action is warranted.
- Administration of the six-monthly review meetings lies with Assistant Directors. Line managers are responsible for updating and sharing information with members of their team on a need to know basis.
- Ensure staff within their remit undertake regular training and development sessions.
- Monitor staff's use of lone working devices and compliance with lone working procedures.
- Ensure all incidents of unacceptable behaviour are corporately reported using the Accident, Incident and Near Miss ("AINM") report form and sent to the Health and Safety Officer.
- Ensure information related to potential threats and danger from individuals is promptly shared with all relevant CPBC stakeholders.

Health and Safety Officer

The Health and Safety Officer will:

- Ensure an adequate level of training for staff.
- Provide advice and guidance to officers, where required, to those affected as the result of an unacceptable behaviour incident.
- Assist in the review of the Council's Unacceptable Behaviour Policy.

All CPBC employees, contractors, visitors and others

All CPBC employees, contractors, visitors and others will:

- Liaise with Line Managers in the completion of Risk Assessments in connection with their role, implement actions and follow control measures identified within the assessment.
- Ensure responsibility for their own safety and comply with this policy and associated safety guidance.
- Notify their managers of activities or situations they become aware of which could foreseeably give rise to an unacceptable level of risk.
- Report all incidents of unacceptable behaviour, in accordance with CPBC's AINM Reporting Policy.
- Councillors should speak with the Monitoring Officer.

6 Equality and Diversity

Castle Point Borough Council is committed to providing fair and equal treatment for all its customers and will not discriminate against anyone on the grounds of race, colour, ethnic or national origin, language, religion, belief, age, gender, sexual orientation, marital status, family circumstances, employment status, physical ability and mental health.

The Council recognises that in times of trouble or distress people may act out of character and understand that a person's actions may be affected by mental health, substance misuse or other factors associated with lifestyle issues. We will take all factors into consideration when implementing this policy.

The procedures associated with this policy have been drafted in accordance with the Equalities Act of 2010 ("the Act"). The Act states that organisations such as Castle Point Borough Council are in breach of the Act if they have not taken reasonable steps to act when harassment has occurred and been reported on at least two previous occasions.

7 Preventing incidents from occurring

Castle Point Borough Council expects all staff and partners to take appropriate action to prevent incidents from occurring, wherever possible.

This includes:

- staff ensuring that they review all relevant data held on Council systems, before carrying out visits to any individual, to make sure they are fully aware of any adjustments or extra precautions they should take.
- staff raising job orders for our partner contractors are to ensure that the job ticket has the appropriate notes, including the need to adjust or for extra precautions to be taken by the attending operative.
- if a mobile worker is requested to visit a property whilst they are out on site and they are unable to check Council systems, then the person requesting the visit must undertake the relevant checks and relay any information to the mobile worker.
- line managers must advise all staff, who do not have access to Council I.T systems, of any individuals they should be cautious of in their working environment.
- Reception/waiting areas should be designed in such a way so as to reduce tension; panic alarms should be easy to access, and doors fitted with viewing panels. Screens and anti-vault counters should be installed, together with suitable refuge areas for staff.
- Any items with the potential to be used as a weapon should be either removed from the area or securely fixed in position, suitable internal and external lighting should be in place.
- Officers should limit the time that individuals should have to wait, this could be by way of an appointment system.
- Staff, Councillors and partners must also be mindful of their own behaviour having the potential to escalate a situation. Consideration should be given to the following points:
 - Failure to provide information to customers.
 - Body language – do not appear dismissive or uncaring; this will add to the aggressor's frustrations.
 - Be professional, a concerned image can help defuse aggression.
 - Demonstrate 'active listening'.
 - Avoid invading the person's space or raising your voice.

8 Risk Assessments

On occasion it will be necessary to carry out an individual risk assessment for an activity such as an eviction or other enforcement activity.

The assessment must be planned carefully prior to the visit, with assistance when necessary, from external agencies such as the Police.

Wherever possible, risk assessments should include environmental and job-related factors such as:

- The physical workplace layout and environmental conditions within interview rooms.
- Client factors both group generic and person specific.
- Home visiting.
- Individual factors relating to staff, e.g. competence, experience, gender, health etc.
- Information regarding individuals who are known to be aggressive or violent.

9 Lone Working

Staff who are lone working should follow the requirements set out in the Lone Working Policy to minimise the risk to their person.

In situations where a risk assessment has identified a high level of risk, officers should avoid lone working.

10 Secure Interview Rooms

Kiln Road Offices are equipped with secure interview rooms for staff to use where a resident is known to be a potential risk. These rooms are fitted with a panic alarm and are monitored through our internal CCTV system.

11 Personal Alarms

Lone worker personal alarms are available to mobile working staff. These can be used in the event of an incident or threat of an incident to respond to and provide suitable support to officers.

It is the responsibility of officers to ensure they have a personal alarm and that it is working properly.

12 Recording and Investigating an Incident

When a member of staff or CPBC contractor is the victim of unacceptable behaviour they must report this to their line manager and complete an Accident, Incident and Near Miss Form which can be downloaded from the CPBC intranet site. In the case of Councillors, they should report it to the Monitoring Officer.

This completed form must be returned to the Health and Safety Officer.

The line manager is responsible for undertaking a thorough investigation into each unacceptable behaviour incident.

Where possible, the investigation will involve:

- identifying the perpetrator.
- establishing whether the perpetrator has any history of unacceptable behaviour.
- taking statements from the victim(s) and any witnesses.
- clarifying the actions that led up to the incident.
- compiling follow on actions that need to be taken.

A debriefing meeting should be held to allow staff involved to talk through the incident. This should take place as soon as practicably possible after the incident, ideally on the same day the incident took place. This will allow the manager to begin the investigation process while the incident is still fresh in the victim's memory and arrange any required support.

13 What will Castle Point Borough Council do?

Every case will be considered on its own merits. Where information has been received from a third party, we will take no action in the first instance other than to advise the individual that the Council is aware that an incident has occurred and that we may act should an incident of this type be directed at anyone covered by this policy.

Castle Point Borough Council will also provide the individual with a copy of this policy.

Once an alleged incident of unacceptable behaviour against a member of staff, or CPBC contractor has been investigated and the behaviour has been deemed as non-violent, violent or vexatious unacceptable behaviour, Castle Point Borough Council will follow the appropriate process as outlined in the procedures accompanying this policy.

In all cases of unacceptable behaviour, we will:

- tell the perpetrator in writing, unless we are aware of an individual's need for an alternative media, why the Council finds their behaviour unacceptable;
- ask them to change their behaviour;
- act to restrict the individual's contact with our staff if the unacceptable behaviour continues. This may result in a reduced level of service and could mean the person having to contact the Council in writing only or through a joint tenant or family member; and
- put an unacceptable warning code against the person's name on the Council system to show the individual's behaviour might constitute a risk to staff.

Castle Point Borough Council also reserves the right, in specific incidents, to:

- tell the individual why the Council finds their behaviour unacceptable and terminate the current means of communication if this behaviour does not cease
- escalate the case if the person becomes a repeat offender and shows no sign of changing their behaviour
- report incidents to the Police
- pursue any legal remedies which may be available.

Specifically, in cases of vexatious unacceptable behaviour the Council will make sure that any complaint has been or is being dealt with appropriately before taking any action.

Staff will use considerable judgment and discretion based on the evidence available before recommending or confirming persistent or vexatious status and in deciding the action to be taken.

Records should be maintained to support and justify the decision to register a person as a persistent and/or vexatious complainant. This may include recording the hours or time spent dealing with the individual and the attempts made to resolve the matter with the complainant.

Should a complainant raise any queries or criticisms that are related to the progress of the complaint, such as when agreed timescales have not been met, this will not lead to the complainant being considered, or to have acted in, a persistent or vexatious manner.

14 Restrictions

The decision to restrict access to our offices and staff or services will be taken by the service area manager whose staff were involved in the incident. This may be in consultation with the Assistant Director and, in most cases, will not be done without giving the person an opportunity to change their behaviour.

In cases where our contractors are the victim the relevant service manager, who is responsible for liaising with the contractors, will decide as to whether to restrict services.

In cases of Vexatious Unacceptable Behaviour, the decision to restrict access will only be taken by an Assistant Director or their equivalent. This is to ensure that we have dealt with all the issues relating to the perpetrator's complaint fully and that their response is indeed vexatious.

Any restrictions imposed will be appropriate to the level of behaviour demonstrated by the individual and an unacceptable warning code put onto the Council system. It will apply for a period of six months in the first instance with the possibility of extending this up to 12 months or more.

All cases will be reviewed twice a year.

The restrictions we are most likely to consider are:

- requesting contact in a particular form
- requiring contact to take place with a named officer or through a third party
- restricting telephone calls to specified days and times
- returning documentation or correspondence with a warning that all future irrelevant documentation will be destroyed
- asking the resident to enter into an agreement about their conduct
- ceasing any responses to communications other than for statutory obligations of Castle Point Borough Council.
- ensuring visits / interviews with the resident are attended by two Officers
- any other action deemed appropriate.

The above list is not exhaustive.

Should the individual ignore warning letters and a restriction of services we may decide to terminate all personal contact with them.

15 Reviewing and closing a case

A decision to act or restrict contact may be reconsidered if the individual demonstrates a more acceptable approach. The decision will be made by the relevant Assistant Director at the six-month review or at any time.

A case will be considered closed when the unacceptable behaviour has ceased, and we have notified the individual accordingly. The system will be updated to show that the code has been removed; however, all historical case notes will be kept on the system. This information will be retained for future reference.

16 Appealing a decision to restrict contact

If a person is not happy with the decision made a complaint can be made in accordance with the Council's usual complaints policy, although the individual reserves the right to complain to the Local Government Ombudsman.

17 Training and awareness

Castle Point Borough Council will ensure that all staff and associated stakeholders are aware of the Unacceptable Behaviour Policy as part of induction procedures for new staff and Members and through policy review updates.

All staff will receive appropriate training.

Departmental line managers must ensure their staff receive an appropriate level of training in subjects such as:

- Conflict Management
- Assertiveness Training
- Personal Safety

Staff must be trained in how to identify, control and defuse a potentially aggressive situation. Training should also include the use of risk assessment as an effective control strategy. Regular refresher training should also be scheduled.

18 Performance Monitoring

The Assistant Director will review information on a six-monthly basis. The information reported will include:

- the number of individuals subject to unacceptable behaviour actions and restrictions;
- the number of restrictions by type of 'U' code and record of letters sent (templates appended); and
- demographic information of individuals displaying unacceptable behaviour, by age, gender, ethnicity, geographical location, etc.

19 Confidentiality

All information given in relation to this policy will be treated as strictly confidential and will not be discussed with third parties without their permission with the exception of agencies with which Castle Point Borough Council has an information sharing protocol.

Castle Point Borough Council will comply with the requirements of the GDPR and the Data Protection Act 2018.

20 Contact Information

If any further information or advice is required please contact:

Health & Safety Officer iwringe@castlepoint.gov.uk

Monitoring Officer monitoringofficer@castlepoint.gov.uk

POLICY AND GUIDANCE REVIEW

I confirm that the Policy and Guidance remains valid, and will be reviewed within 2 years, or following any significant change.

Date Reviewed:	Name: (Assistant Director Legal & Democratic)	Signed:
	Name: (Leader of the Council)	Signed:

Next Review Date:		
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